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✓ [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rolf, Devon A.	:	
Serial No.:	09/635,935	:	Art Unit: 3627
Filed:	August 10, 2000	:	Examiner: Ronald Laneau
Title:	A Device, System, and Method for Making Transactions via a Communications Link	:	Confirmation No. 6337

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

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**RESPONSE**

Commissioner for Patents  
MailStop Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action dated September 30, 2004.

Claims 1, 2, 4-9, 12-32 and 35-61 are pending in this application. All claims stand rejected solely under 35 U.S.C. 103 as being unpatentable over Berg et al. (US 6,394,343 B1) in view of Pentel (US 6,435,406 B1). Reconsideration is respectfully requested.

The references relied upon by the Office in forming the present Section 103 rejection are not prior art to the present application. In that regard, the present application, filed on August 10, 2000, claims priority to a provisional patent application filed on August 10, 1999. The Berg et al. patent was filed on October 14, 1999, after applicant's priority date. The Pentel patent was filed on October 6, 2000, after applicant's priority date.

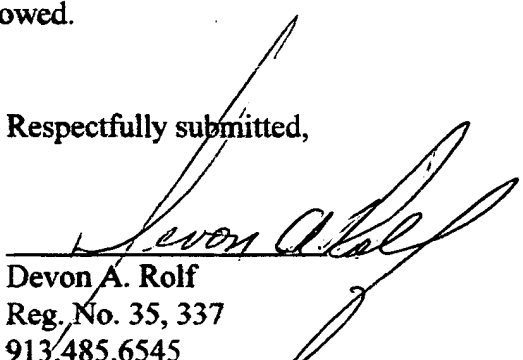
Applicant notes that Pentel claims priority to an earlier application which matured in U.S. Patent No. 5,969,968. However, this earlier application (and resulting '968 patent) do not include the subject matter upon which the Office bases the present rejections. In particular, the Pentel '406 patent (filed October 6, 2000) is a continuation-in-part (CIP) of an application filed on August 27, 1999 (after the filing date of the present application) which itself is a continuation-in-part (CIP) of an application filed on April 17, 1998 (which matured into the '968 patent). In short, the subject matter upon which the examiner relies in forming the present Section 103 rejection was introduced into Pentel after applicant's filing date.

Applicant also traverses the rejection on the grounds that Berg et al. and Pentel cannot be properly combined and further that the references, even if combined, do not teach or suggest the presently claimed invention. However, applicant believes that it is not necessary to address this position substantively given that the references are not statutory prior art.

Applicant submits herewith a Supplemental IDS and respectfully requests consideration by the examiner of the cited references.

In view of the foregoing, applicant respectfully requests that the present rejection be withdrawn and that this application be allowed.

Respectfully submitted,

  
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